

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	<b>Boutilier ROW Easement (private driveway)</b>
<b>Proposed Implementation Date:</b>	Upon Approval and Execution of ROW
<b>Proponent:</b>	Douglas J. Boutilier
<b>Location:</b>	Section 27, T10N, R4W
<b>County:</b>	Lewis and Clark
<b>Trust:</b>	Common Schools

## I. TYPE AND PURPOSE OF ACTION

Douglas J. Boutilier wishes to obtain an easement for a private driveway across State Trust Land in Section 27 Township 10 North, Range 4 West. The ROW would apply to an existing gravel road already in use to access a single-family residence to be built in the future. The proposed easement would begin at the end of Lombardy Drive and use the entire existing road to private land. The easement would be 2,997 feet long and 30 feet wide encumbering 2.064 acres.

Attached:

### Exhibit A-Vicinity Map

Exhibit B-Project Map-Topographical

Exhibit C-Project Map-Aerial Photo

## Exhibit D-Scoping Notice

## Exhibit E-Scoping List

### Exhibit F-Comments Recieved

## II. PROJECT DEVELOPMENT

**1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:**

[illegible]

KRAUSE LOGAN & KIMBER L MACLEAN NATHAN C & ERIN F MICHALETZ JOSEPH M & LINDA D MORROW PATRICK ANDREW PEARSON LESLIE & RYAN PENNOYER GARELD F RAINVILLE GUY E & ROBINSON KEITH E & MYRTLE M SHEARD MICHAEL D & WILLA A SIMMONS ELIZABETH STAMATSON JAIME T TWEDEN DONALD T & GINA M UNITED STATES OF AMERICA WEIKART WAYNE A & CHRISTY L WILLIAMS JACOB R & BETSY R	
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## 2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

DNRC is not aware of other government agencies with jurisdiction. The proponent is responsible to obtain any necessary permits.

## 3. ALTERNATIVES CONSIDERED:

**Proposed Action Alternative:** Issuing proponent a new easement as proposed to account for newly encumbered state land.

**No Action Alternative:** Deny the applications for an easement.

## III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

## 4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

*Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.*

Soils in the project area include: 95% is Crittenden-Tolman complex (138 D) and Crago-Musselshell gravelly loams 5% (433 E). These soils are considered poorly suited for natural surface roads. This road is existing and was built after 2004 to accommodate access to a single-family residence previously assessed by DNRC for environmental impacts. This new use would take advantage of the existing route which is, "located on very gentle terrain and is designed with appropriate grade (4%) and situated where standard appropriate drainage features would prevent erosion [and allow] effective maintenance" (EA June 2004).

**Proposed Action Alternative:** The proposed use allowing one additional user to access deeded land to include a single-family residence will have no long-lasting impacts to fragile, compactable, or unstable soils or any unusual geologic features are anticipated.

**No Action Alternative:** No impacts to the geology or soil characteristics would occur.

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## 5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

*Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.*

No impacts were anticipated prior to road construction in the initial Environmental Assessment (2004). No live water exists in the project area. An ephemeral drainage and a well, used for stockwater purposes, are adjacent to the existing road, but they are buffered by space and vegetation and protected by drainage features.

**Proposed Action Alternative:** No direct or cumulative impacts to water quality are anticipated as a result of the proposed action.

**No Action Alternative:** No impacts to the water quality, quantity, and/or distribution will occur.

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## 6. AIR QUALITY:

*What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.*

In general, the air quality is fair in this area depending on seasonal influences.

**Proposed Action Alternative:** Short-duration increases in dust from additional use will occur. Minimal direct or cumulative effects are expected to occur to air quality as a result of the proposed action.

**No Action Alternative:** No impacts to air quality will occur.

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## 7. VEGETATION COVER, QUANTITY AND QUALITY:

*What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.*

The Montana Natural Heritage Program lists 2 plant species of concern, 2 potential species of concern, and 0 special status species within T10N R4W. The plant species of concern are: Lesser Rushy Milkvetch and Wedge-leaf Saltbush. The potential plant species of concern are: Small Yellow Lady's-slipper and Slender Wedgegrass. These vegetative communities would not be permanently altered as no new ground disturbance will occur.

**Proposed Action Alternative:** No disturbances to plant communities will occur. No lasting impacts to rare plants or cover types are anticipated within the project area.

**No Action Alternative:** No impacts to the vegetation cover, quantity, and/or quality will occur.

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## 8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

*Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.*

This tract is used by a variety of wildlife, including ungulates (mule deer, whitetail deer, and elk), small to large sized predators (weasels, skunks, red fox, and coyotes), numerous species of small mammals (mice, voles, ground squirrels, rabbits, etc.), various raptors, upland game birds (mountain grouse), and numerous non-game bird species (a wide variety of migrant and resident bird species associated with available habitats). The proposed project would not change the current use or habitat of the area use by these terrestrial and avian species.

**Proposed Action Alternative:** A small increase in traffic in the area is not anticipated to change the current condition. No lasting impacts to terrestrial, avian, and/or aquatic life and/or habitats are anticipated.

**No Action Alternative:** No impacts to terrestrial, avian, and/or aquatic life and habitats will occur.

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## 9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

*Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.*

The Montana Natural Heritage Program lists 13 animal *species of concern*, 0 *potential species of concern* and 1 *special status species* within this township. The 13 animal species of concern are: Black-tailed Prairie Dog, Spotted Bat, Hoary Bat, Little Brown Myotis, Great Blue Heron, Evening Grosbeak, Pinyon Jay, Cassin's Finch, Clark's Nutcracker, Long-billed Curlew, Sage Thrasher, Green-tailed Towhee, and Brewer's Sparrow. The Bald Eagle is the single special status species. The area wildlife would not be affected by the proposed project.

**Proposed Action Alternative:** Minor increases to the traffic on the existing road is not anticipated to result in lasting impacts to unique, endangered, fragile, or limited environmental resources habitats are anticipated.

**No Action Alternative:** No impacts to unique, endangered, fragile, or limited environmental resources will occur.

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## 10. HISTORICAL AND ARCHAEOLOGICAL SITES:

*Identify and determine effects to historical, archaeological or paleontological resources.*

A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search results revealed that no cultural or paleontological resources have been identified in the APE, but it should be noted that Class III level inventory work has not been conducted there to date. Considering the nature of the proposed request, however, there will be *No Effect to Antiquities*. No additional archaeological investigative work will be conducted in response to this proposed development. However, if previously unknown cultural or paleontological materials are identified during project related activities, all work will cease until a professional assessment of such resources can be made.

**Proposed Action Alternative:** No impacts to historical, archeological, and/or paleontological resources are anticipated due to the scope and nature of this project.

**No Action Alternative:** No impacts to historical, archeological, and/or paleontological resources will occur.

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## 11. AESTHETICS:

*Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.*

The proposed project area represents a suburban, partially forested, subdivided, residential community in Lewis and Clark County, Montana. The project would have minimal impacts to the area's aesthetics. The existing road is already visible from Lombardy Ave, Highway 12 and neighboring properties. Small increases in noise and dust would occur during the project.

**Proposed Action Alternative:** Small increases in noise and dust would occur during the project.

**No Action Alternative:** No impacts to the aesthetics will occur.

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## 12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

*Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.*

The area does not contain limited resources. Nearby activities consist mostly of suburban residential activities. This state parcel is currently leased for grazing. Recreational activities include: hiking, biking, hunting, etc. Some or all, of these activities, are supported by adjacent public land (Helena/Lewis and Clark National Forest,

City of Helena) This parcel has potential for development. The addition of another user for access to a single-family residence on the existing road is anticipated to have very minor impacts to these activities.

**Proposed Action Alternative** None to very minor impacts to the demands of environmental resources such as land, water, air, and/or energy resources are anticipated.

**No Action Alternative:** No impacts to the demands of environmental resources such as land, water, air, and/or energy resources will occur.

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### 13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

*List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.*

The DNRC completed an Environmental Assessment in June of 2004. This document resulted in a finding that approved construction of the existing road to be used by the proponent.

**Proposed Action Alternative:** No impacts to studies, plans, and/or projects pertinent to this area are anticipated to occur.

**No Action Alternative:** No impacts to studies, plans, and/or projects will occur.

IV. IMPACTS ON THE HUMAN POPULATION
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| <ul style="list-style-type: none"><li>• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i></li><li>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i></li><li>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i></li></ul> |
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### 14. HUMAN HEALTH AND SAFETY:

*Identify any health and safety risks posed by the project.*

**Proposed Action Alternative:** A small increase to traffic on the road could pose slightly higher risks to recreational users.

**No Action Alternative:** No impacts to human health and/or safety risks will occur.

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### 15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

*Identify how the project would add to or alter these activities.*

A slightly higher possibility of noxious weed occurrence and a very small reduction of grass production may result from the proposed use. Easement holders are responsible for weed control within the ROW corridor. While weeds are present on the tract, bio-control measures have been deployed in the last year in addition to the grazing lessee's weed control efforts.

**Proposed Action Alternative:** No lasting impacts to industrial, commercial and agricultural activities/production are anticipated.

**No Action Alternative:** No impacts to industrial, commercial and agricultural activities/production will occur.

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### 16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

*Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.*

The project would not create permanent jobs.

**Proposed Action Alternative:** No lasting impacts to quantity and distribution of employment are anticipated.

**No Action Alternative:** No impacts to quantity and distribution of employment will occur.

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**17. LOCAL AND STATE TAX BASE AND TAX REVENUES:**

*Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.*

**Proposed Action Alternative:** The project would not have any measurable effects to local or state tax revenues.

**No Action Alternative:** No impacts to the state tax base and/or tax revenues will occur.

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**18. DEMAND FOR GOVERNMENT SERVICES:**

*Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services*

**Proposed Action Alternative:** Traffic would slightly increase on Highway 12 and Lombardy Avenue.

**No Action Alternative:** No impacts to traffic, road uses, or government services will occur.

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**19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:**

*List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.*

DNRC is not aware of other plans or projects in the area. Lewis and Clark County has considered some zoning restrictions in conjunction with present future military activities at Fort Harrison. However, the project area has recently been removed from the area of consideration for zoning.

**Proposed Action Alternative:** No impacts to local environmental plans and goals are anticipated occur.

**No Action Alternative:** No impacts to local environmental plans and goals will occur.

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**20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:**

*Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.*

Legal, public access does exist to this parcel of state land in Section 27, T10N, R4W. Recreational activities are common in the project area. Some of the most common recreational activities in this area are include: hiking, biking, hunting, etc. Some, or all, of these activities are supported by adjacent public land (Helena/Lewis and Clark National Forest, City of Helena). A trailhead and small parking area are present at the access point for this state parcel.

**Proposed Action Alternative:** The proposed action is not expected to impact general recreational and wilderness activities on this state tract.

**No Action Alternative:** No impacts to the quality of recreational and wilderness activities will occur.



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**21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:**

*Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.*

The proposal does not include any changes to housing or developments with the exception of the future construction of a new single-family residence on adjacent private land.

**Proposed Action Alternative:** No direct or cumulative effects to population or housing are anticipated.

**No Action Alternative:** No impacts to the density and/or distribution of population and housing will occur.

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**22. SOCIAL STRUCTURES AND MORES:**

*Identify potential disruption of native or traditional lifestyles or communities.*

**Proposed Action Alternative:** No impacts to the areas social structures, native/traditional lifestyles, or communities are anticipated to occur.

**No Action Alternative:** No impacts social structures, native/traditional lifestyles, or communities will occur.

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**23. CULTURAL UNIQUENESS AND DIVERSITY:**

*How would the action affect any unique quality of the area?*

**Proposed Action Alternative:** The addition of one additional user of the road is expected to have minor impacts to the area's cultural uniqueness and/or diversity are anticipated to occur.

**No Action Alternative:** No impacts to the areas cultural uniqueness and/or diversity will occur.

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**24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:**

*Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.*

CLO staff recommends clear, concise language in the Right-Of-Way Deed describing roles and responsibilities regarding road maintenance that reflects the following:

- The state has no responsibility to maintain the road and will not become involved in disputes between easement holders regarding road maintenance.
- Easement holders are solely responsible for managing legal and illegal use of the road according to terms of the easement.

**Proposed Action Alternative:** The proposed project would grant Douglas J. Boutilier right-of-way across state land in Section 27 T10N, R4W. Compensation to the trust beneficiary would total \$8,875.20 (2.064 x \$4300/acre). This ROW easement is not anticipated to adversely impact future uses or income potential to this tract of state trust land.

**No Action Alternative:** No impacts to the social and economic circumstances will occur.

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Andy Burgoyne	<b>Date:</b> February 5, 2019
	<b>Title:</b> HU Manager	

V. FINDING

25. ALTERNATIVE SELECTED: *Action Alternative*

Alternative –

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

*Completion of EA did not identify any significant issues that could not be reasonably mitigated.*

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

☐ EIS

☐ More Detailed EA

☒ No Further Analysis

EA Checklist Approved By:	Name:	Hoyt Richards
	Title:	Central Land Office Area Manager
Signature: <i>Hoyt Richards</i>		Date: <i>2/21/17</i>



Exhibit A-Vicinity Map

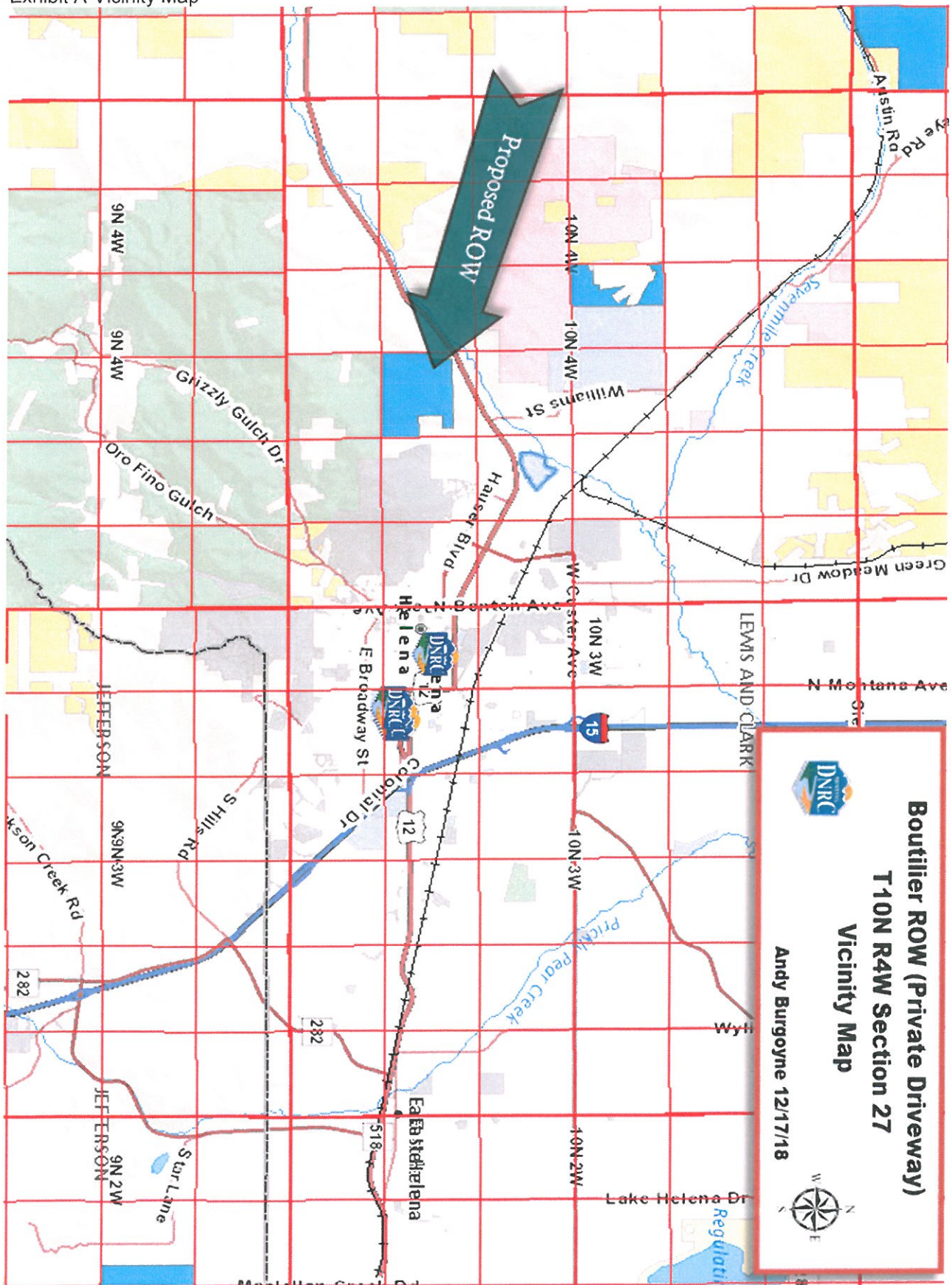




Exhibit B-Project Map-Topographical

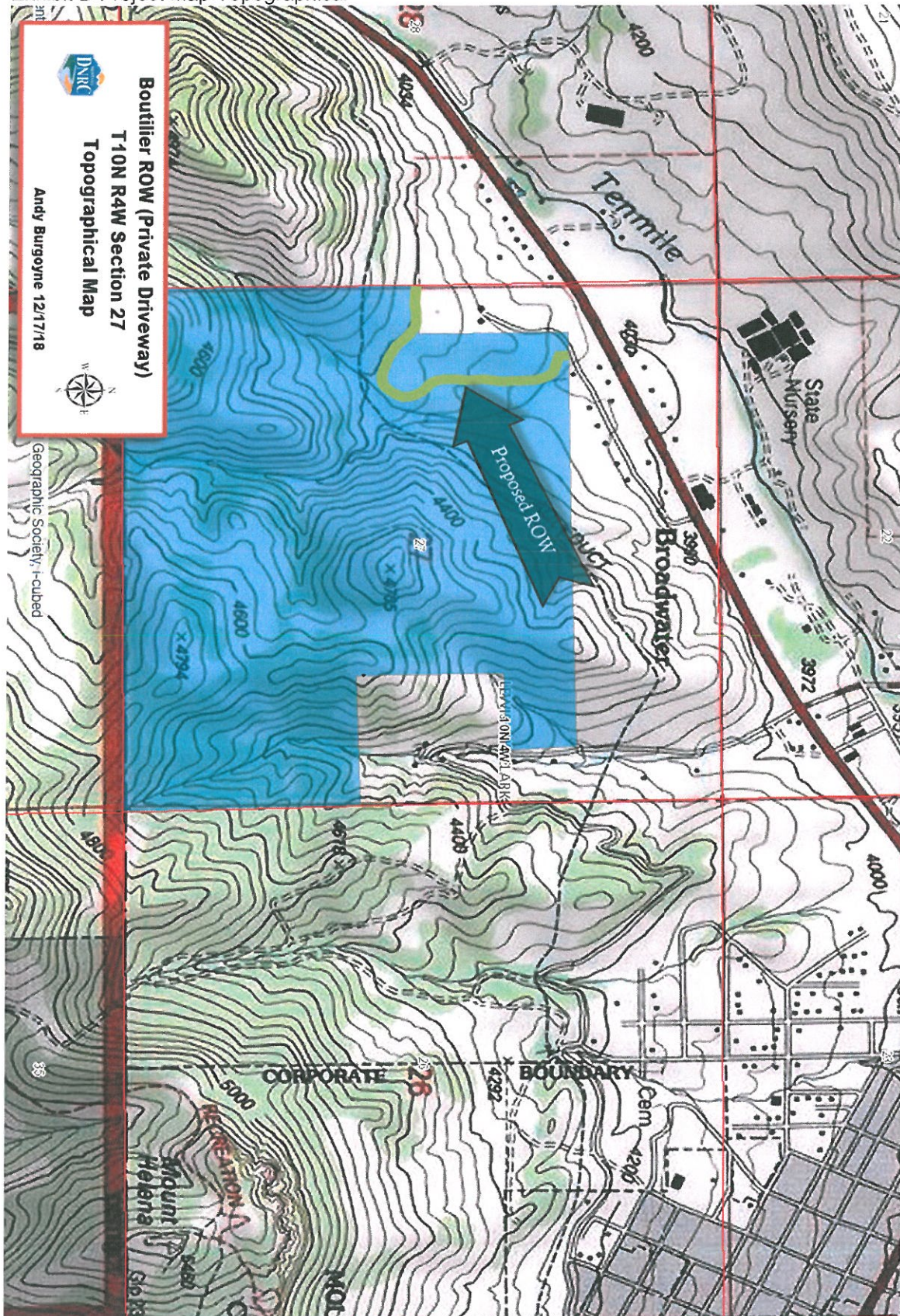




Exhibit C-Project Map-Aerial Photo



**DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION**  
Central Land Office



STEVE BULLOCK, GOVERNOR

(406) 458-3500  
FAX NUMBER (406) 458-3506

8001 NORTH MONTANA AVENUE  
HELENA, MONTANA 59602-9388

**Scoping Notice:**

The Montana Department of Natural Resources and Conservation (DNRC), Trust Land Management Division (TLMD) Helena Unit is currently reviewing an easement application from Douglas Boutilier to cross State Trust Land located in Lewis and Clark County on Trust Land administered by the DNRC Helena Unit, ~ 1 mile west, southwest of Helena, MT. The location of the proposed Right-of-Way is on the State Trust Land described below:

Township 10 North, Range 4 West, Section 27

The purpose of the proposed easement would be to provide Mr. Boutilier access to his 2.51 acre(s), private parcel for the purpose of accommodating a single-family residence. The easement would take advantage of an existing driveway to a single-family residence. No new road construction would occur. The proposed ROW is 2,997' in length and 30' wide. The proposed easement would encumber 2.064 total acres of State Trust Land.

DNRC strives to balance its fiduciary responsibilities with its stewardship responsibilities that subsequently protect the future income-generating capacity of State Trust Lands. The land involved in the proposed action would thus be managed in accordance with DNRC's Rules and State Law.

This application will go to the Montana State Board of Land Commissioners in the Winter/Spring of 2019. The proposed action would likely be implemented immediately contingent on the Land Board approval and the execution of the easement. The DNRC is in the scoping phase of the project environmental assessment. In preparation for this project, FWP and DNRC specialists will be consulted. These specialists may include archeologists, biologists, and hydrologists. Neighboring landowners will also be asked for their input. The Montana DNRC invites comments and suggestions concerning this proposal from all interested parties. Please respond by end of business February 1, 2019 to:

Department of Natural Resources and Conservation  
Attn: Andy Burgoyne  
MT DNRC Helena Unit  
8001 North Montana Ave  
Helena MT, 59602  
or: [JBurgoyne@mt.gov](mailto:JBurgoyne@mt.gov)



Exhibit F-Comments Recieved

Comments (one comment was received)

Name:	Address:	Comment:	DNRC Response:
HILL KENNETH C	4113 LOMBARDY DR HELENA MT	<p>I am a homeowner and resident of Lombardy Drive for over 25 years. I am responding to your request for comment on Mr. Boutilier's easement request.</p> <p>I do not support Mr. Boutilier's request for the following reasons:</p> <ol style="list-style-type: none"> <li>1. Lombardy Drive was constructed in the 1950's or 1960's to access about 12 homes in the subdivision. I am not aware of any road upgrades since that time. There is a severe shaded hillside hairpin curve at the northeast end of the road on which two cars cannot pass simultaneously. The curve is especially dangerous during winter conditions with ice and snow present. There are no established speed limits or evidence of speed enforcement. With recently added traffic to access the trail site at the end of the road, coupled with Mr. Boutilier's (or family) previous easement, we now experience more traffic, more dust, and more individuals driving too</li> </ol>	<p><i>There will be additional use to the road. The general public already uses the road to access the trailhead. One more family unit will add minor increases to this established use.</i></p>

		<p>fast for road conditions. This request would add to unsafe and dusty conditions unless Lombardy Drive is upgraded to meet the current and anticipated traffic use.</p> <p>2. This is Mr. Boutilier's (or family) second request for easement access to the east side of his property. With approximately 75 acres of property ownership, there is no indication of what the future holds for future development plans and therefore future requests for easements, more traffic, more dust, etc. We were led to believe the last easement request was of a "one time only" nature.</p> <p>3. Mr. Boutilier could gain access to the desired construction site via his ownership of a parcel which has Highway 12 frontage. That is the avenue I suggest he pursue to gain access to his property. The fact that it may be difficult and expensive to construct a road through his own property is something that was known or knowable by him at</p>	<p><i>It is not possible to speak to assurances made regarding the previous easement application. The DNRC staff that worked on the previous easement no longer work for DNRC. It is not an assurance a DNRC employee can make. DNRC's responsibilities to the Trust Beneficiaries makes the future of all trust land parcels open to many possible uses and projects.</i></p> <p><i>The proponent is seeking access to an adjacent lot to his larger lot. The topography makes the access through this adjacent parcel impractical. The use of an existing access road for access will result in insignificant impacts to state land.</i></p>
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		<p>the time of acquisition of the property.</p> <p>4. Granting this easement request would be a decision for the benefit of one at the harm of encumbering state lands which are to benefit the many.</p>	<p><i>DNRC's responsibilities to the Trust Beneficiaries makes the future of all trust land parcels open to many possible uses and projects. The use of an existing access road for access will result in insignificant impacts to state land.</i></p>
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